

REMARKS

By this amendment, claims 6, 7, 10, 11, 20-46 and 48 are canceled; claims 1, 3, 5, 8 and 9 are amended and claims 49 and 50 are added. Supported for the amended and new claims can be found in the previous claims and in the specification, for example, at page 9, paragraph [021], page 10, paragraph [022], page 13, paragraph [029] and page 18, Example 1. No issue of new matter arises.

Rejection under 35 USC §103(a)

Claims 1, 3-13 and 16-20 were rejected under 35 USC §103 as allegedly being obvious over Gertler in view of Reinhard and Evangelista. The rejection was based in part on the Examiner's observation at page 7, lines 11 and 12: "The instant claims offer no further specifics as to the purpose of the assay such that the assay of Gertler does not read on the claimed invention." Claims 1 and 3 are amended in response to obviate this rejection.

As amended the claims recite (either directly or through dependency) features not disclosed, taught or suggested in the applied references. Accordingly the claims are deemed patentable over the applied art. Reconsideration and withdrawal of this rejection are respectfully requested.

New Claims

Claims 49 and 50 are added. Support is described above. These claims ultimately depend from claim 1 or claim 3 and thus are patentable over the art for at least the same reasons that claims 1 and 3 are patentable.

Conclusion

In view of the above amendments and remarks, Applicants respectfully request reconsideration and withdrawal of all pending rejections. Applicants respectfully submit that the application is now in condition for allowance and request prompt issuance of a Notice of Allowance. Should the Examiner believe that anything further is desirable that might put the application in even better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number listed below.

Fees

No fees not otherwise provided for are believed to be necessitated by the instant response. However, should this be in error, authorization is hereby given to charge Deposit Account no. 18-1982 for any underpayment, or to credit any overpayments.

Respectfully submitted,



George S. Jones, Reg. No. 38,508
Attorney for Applicants

sanofi-aventis US Inc
Patent Department
Route #202-206 / P.O. Box 6800
Bridgewater, NJ 08807-0800
Telephone (908) 231-3776
Telefax (908) 231-2626
Aventis Docket No. DEAV2000/A051 US NP